

Message Text

CONFIDENTIAL

PAGE 01 MOSCOW 11793 01 OF 02 271316Z

42

ACTION EUR-25

INFO OCT-01 ISO-00 COME-00 EB-11 RSC-01 SCI-06 L-03 PA-03

PRS-01 USIE-00 SSO-00 NSCE-00 CIAE-00 INR-10 NSAE-00

INRE-00 DRC-01 NSF-04 AEC-11 SS-15 NSC-10 EURE-00

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FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 2439

INFO AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 1 OF 2 MOSCOW 11793

E.O. 11652: GDS

TAGS: TGEN, EIND, UR

SUBJECT: EXCHANGES: PATENT MANAGEMENT AND LICENSING

PASS SCI, EUR/SOV, USDOC

REF: STATE 187385

1. SUMMARY. THE COMMITTEE FOR INVENTIONS AND DISCOVERIES (CID) IS UNDERGOING REORGANIZATION THAT ELEVATES IT TO STATURE OF STATE COMMITTEE OF USSR COUNCIL OF MINISTERS. ITS NEW CHAIRMAN WILL HAVE MINISTERIAL RANK AND WILL BE MEMBER OF COUNCIL OF MINISTERS. DZH. M. GVISHIANI, CURRENTLY DEPUTY CHAIRMAN OF THE USSR STATE COMMITTEE FOR SCIENCE AND TECHNOLOGY (SCST), IS REPORTEDLY CONSIDERING ACCEPTING POST OF CHAIRMANSHIP OF NEW STATE COMMITTEE. BECAUSE OF THE REORGANIZATION OF CID, THERE IS SOME POSSIBILITY THAT SOVIET DELEGATION IN SUBJECT EXCHANGE WILL BE FORCED TO CANCEL ITS FORTHCOMING VISIT TO U.S. IF SOVDEL DOES NOT CANCEL VISIT, SEVERAL MEMBERS WILL BE PREPARED TO DISCUSS U.S. PAPER ON INFORMATION, DATA, AND INVENTIONS THAT HAD BEEN TABLED AT THE S & T JOINT COMMISSION MEETING IN MARCH, 1973. SOVIETS WOULD LIKE TO FORM PERMANENT WORKING GROUP WITHIN FRAMEWORK
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PAGE 02 MOSCOW 11793 01 OF 02 271316Z

OF S & TAGREEMENT TOCONSIDER QUESTIONS OF PATENTS AND

LICENSING THAT MAY ARISE DURING IMPLEMENTATION OF THE AGREEMENT. END SUMMARY.

2. DURING MEETING SEPTEMBER 26 WITH ARTEM'YEV, MOROZOV, AND STOTSKIY OF COMMITTEE FOR INVENTIONS AND DISCOVERIES (CID), IT WAS LEARNED THAT ENTIRE LEADERSHIP OF CID HAS BECOME OPERATIONALLY HAMSTRUNG BY THE GOVERNMENT DECREE OF AUGUST 20 THAT PROVIDES FOR REORGANIZATION OF CID AND ELEVATION OF IT TO STATUS OF STATE COMMITTEE OF USSR COUNCIL OF MINISTERS FOR INVENTIONS AND DISCOVERIES. THIS MEANS THAT CURRENT LEADERSHIP IS "WITHOUT PORTFOLIO" UNTIL RECONFIRMED IN THEIR POSITIONS, ACCORDING TO MOROZOV, WHO ALSO EXPRESSED CONCERN THAT SUBJECT DELEGATION POSSIBLY WOULD NOT REPEAT NOT BE GOING TO U.S. OCTOBER 3 UNLESS ARTEM'YEV HAD BEEN RECONFIRMED AS FIRST DEPUTY CHAIRMAN BY THAT TIME. HE INSISTED, HOWEVER, THAT PLANNING CONTINUE FOR VISIT IN HOPES THAT ISSUE WOULD BE RESOLVED BY THEN. IF VISIT WERE POSTPONED, MOROZOV SAID THAT IT COULD NOT BE RESCHEDULED BEFORE NEXT YEAR. SCIATT STRESSED THAT EARLY DECISION ESSENTIAL BECAUSE CANCELLATION OF VISIT ONLY ONE OR TWO DAYS BEFORE DEPARTURE WOULD PLACE US SIDE IN VERY AWKWARD POSITION IN VIEW OF ALL THE WELL ADVANCED LOGISTICAL AND SUBSTANTIVE PLANNING THAT WOULD THEN HAVE TO BE SCRATCHED. MOROZOV ADMITTED THAT CANCELLATION WOULD CREATE HARDSHIPS, BUT HE REITERATED THAT PROBABILITY OF VISIT PROCEEDING AS SCHEDULED WAS HIGH ENOUGH THAT PLANNING SHOULD DEFINITELY CONTINUE. (IT IS POSSIBLE THAT EARLIER REQUEST OF CID TO POSTPONE VISIT UNTIL OCTOBER 3 WAS MADE IN EXPECTATION THAT LEADERSHIP QUESTION, OR AT LEAST STATUS OF ARTEM'YEV, WOULD HAVE BEEN RESOLVED BY THEN. OBVIOUSLY, MOROZOV STILL BELIEVES THIS TO BE THE CASE.)

3. DURING TEMPORARY ABSENCE OF ARTEM'YEV AND MOROZOV FROM ROOM TO COLLECT SOME PAPERS, STOTSKIY (JUNIOR ASSISTANT IN FOREIGN RELATIONS DEPARTMENT OF CID) MADE CERTAIN REVELATIONS IN WHAT WAS PERHAPS A MOMENT OF INDISCRETION. HE SAID THAT MAKSAREV, BECAUSE OF HIS AGE, WOULD DEFINITELY NOT BE RE-NAMED TO CHAIRMANSHIP, BUT WOULD RETIRE. CHAIRMANSHIP WOULD BE OCCUPIED BY SOMEBODY RECRUITED FROM OUTSIDE OF CURRENT CID STAFF SINCE EVEN ARTEM'YEV, ALTHOUGH HIGHLY QUALIFIED AND RESPECTED, IS CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MOSCOW 11793 01 OF 02 271316Z

NEVERTHELESS NOT CONSIDERED TO BE OF PROPER CALIBRE. STOTSKIY SAID THAT IT IS DIFFICULT TO FIND SUITABLE PERSON, ESPECIALLY SINCE NEW CHAIRMAN OF CID WOULD AUTOMATICALLY GAIN MINISTERIAL RANK AND BECOME MEMBER OF COUNCIL OF MINISTERS. IN RESPONSE TO QUESTION ABOUT POSSIBLE CONTENDERS, STOTSKIY SAID THAT ONLY NAME SO FAR ADVANCED WAS THAT OF GVISHIANI, WHO APPARENTLY IS CONSIDERING IT. (COMMENT: ELEVATION OF CID TO STATUS OF STATE COMMITTEE MUST HAVE BEEN

PROMPTED BY ITS GROWING ROLE IN SOVIET DRIVE TO ACQUIRE FOREIGN TECHNOLOGY AND BY PROLIFERATION OF COMMERCIAL CONTRACTS WITH PRIVATE FIRMS. ACCORDING TO MOROZOV, CID SPECIALISTS ALWAYS ARE INVOLVED IN PATENT AND LICENSE PORTION OF ANY SUCH CONTRACTS. IN VIEW OF GVISHIANI'S RECENT HEAVY INVOLVEMENT IN SECURING COOPERATIVE AGREEMENTS WITH MANY WESTERN FIRMS, HIS CANDIDACY FOR THE CHAIRMANSHIP OF CID WOULD HAVE SOME LOGIC TO IT. ALTHOUGH ACTIVITIES OF CID ARE ON SMALLER SCALE THAN SCST, THE STATUS ASPECT OF TRANSFERRING TO CID WOULD PROBABLY BE ATTRACTIVE TO GVISHIANI, WHO WOULD THEN BE BROUGHT INTO COUNCIL OF MINISTERS HEADED BY HIS FATHER-IN-LAW. ALSO, SINCE POST MAY NOT BE TOO DEMANDING, GVISHIANI WOULD PROBABLY STILL FEEL FREE TO CONTINUE HIS ACTIVITIES IN VIENNA AT INSTITUTE FOR APPLIED SYSTEMS ANALYSIS. IF GIVISHIANI IS ACTUALLY CONSIDERING THIS NEW POST, IT WOULD HELP EXPLAIN THE RATHER AGGRESSIVE INTEREST HE EXPRESSED IN FIELD OF PATENTS AND LICENSING DURING HIS MEETING WITH DR. ECCKER-JOHNSON LAST MONTH AND HIS RECOMMENDING EARLY BILATERAL WORKING GROUP MEETING IN THIS FIELD. HE MIGHT ALSO HAVE HAD A HAND IN PERSUADING SOVIET SIDE TO SUGGEST BROADENING CONTEXT OF FORTHCOMING DISCUSSIONS IN U.S. AND TO PROPOSE PLACING WORKING GROUP ON MORE PERMANENT BFSIS THAN WAS CONSIDERED DURING DISCUSSIONS WITH DR. ANCKER-JOHNSON.)

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 MOSCOW 11793 02 OF 02 271323Z

42

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PRS-01 USIE-00 SSO-00 NSCE-00 CIAE-00 INR-10 NSAE-00

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FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 2440

INFO AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 2 OF 2 MOSCOW 11793

PASS SCI, EUR/SOV, USDOC

4. ARTEM'YEV AGREES TO SCHEDULE OF VISIT OUTLINED IN REFTTEL AND SOVDEL WILL PURCHASE OPEN TICKETS FOR DESIGNATED ITINERARY PRIOR TO DEPARTURE. ARTEM'YEV, NAZAROV, AND MOROZOV WILL REMAIN IN WASHINGTON AFTER REST OF DELEGATION DEPARTS IN ORDER TO DISCUSS S & T JOINT COMMISSION PAPER ON OCTOBER 18 AND, IF NECESSARY, OCTOBER 19. THEY WOULD DEPART FOR MOSCOW SUNDAY, OCTOBER 21.

5. SOVIETS WOULD PREFER, BUT WILL NOT INSIST, THAT PERMANENT WORKING GROUP ON QUESTION OF INVENTIONS, DISCOVERIES, PATENTS, AND LICENSES BE ESTABLISHED WITHIN FRAMEWORK OF S & T AGREEMENT TO CONSIDER PROBLEMS THAT ARISE IN THIS AREA DURING LIFETIME OF AGREEMENT. SOVIETS VIEW SUCH A WORKING GROUP AS LOOSELY STRUCTURED MECHANISM WITH PERMANENTLY DESIGNATED CHAIRMAN ON EACH SIDE, BUT WITH FLOATING MEMBERSHIP THAT WOULD INCLUDE EXPERTS AS NEEDED TO CONSIDER PARTICULAR PROBLEMS THAT MAY ARISE. WORKING GROUP WOULD BE ASSEMBLED ONLY AS SUCH NEED ARISES, BUT WOULD NOT HAVE FIXED SCHEDULE OF MEETINGS. PURPOSE OF MAINTAINING DESIGNATED CHAIRMEN WOULD BE SOLELY TO PROVIDE AVENUE OF COMMUNICATION. THIS ARRANGEMENT WOULD BE SIMILAR TO THAT CURRENTLY IN FORCE WITH GREAT BRITAIN, CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MOSCOW 11793 02 OF 02 271323Z

FRANCE, AND ITALY IN CONNECTION WITH THEIR BILATERAL S & T AGREEMENTS WITH SOVIETS.

6. REGARDING AGENDA ITEM ON "STATUS OF WORKING GROUP" MENTIONED IN MURZENEVA-TECH LETTER OF AUGUST 16, SOVIETS HAD IN MIND DISCUSSION OF SOVIET DRAFT OF "REGULATIONS CONCERNING THE US-USSR JOINT WORKING GROUP ON QUESTIONS OF PATENTS AND LICENSING," WHICH THEY ARE PREPARED TO TABLE. IN INTENT, THIS DOCUMENT IS SIMILAR TO "REGULATIONS OF US-USSR JOINT COMMISSION" ADOPTED AT S & T JOINT COMMISSION MEETING LAST MARCH. WE HAVE OBTAINED A COPY OF SOVIET DRAFT AND ARE TRANSMITTING TRANSLATION IN SEPTTEL.

7. ARTEM'YEV CONSIDERS THAT THE US DRAFT PAPER ON INFORMATION DATA, AND INVENTIONS THAT HAD BEEN TABLED AT MARCH S & T JOINT COMMISSION MEETING IS MUCH MORE COMPREHENSIVE AND BETTER DRAFTED THAN PAPER TABLED BY SOVIET SIDE. HE PROPOSES, THEREFORE, THAT US DRAFT SERVE AS BASIS FOR FORTHCOMING DISCUSSIONS. ALTHOUGH ARTEM'YEV CONSIDERS THIS DRAFT TO BE BASICALLY SOUND AND TO BE GOOD POINT OF DEPARTURE, HE NOTES THAT MANY DETAILS WILL HAVE TO BE DISCUSSED WITH US SPECIALISTS. SOVIET SIDE HAS NO REACTION SET FORTH ON PAPER TO US DRAFT, BUT HE OFFERED ONE EXAMPLE OF DETAILS TO BE CONSIDERED. SOVIET SIDE CONSIDERS AS TOO VAGUE AND PERMISSIVE SECTION IV(B)

ON INVENTIONS, WHICH STATES THAT "ANY INVENTION SUBJECT TO PATENT MADE IN CONNECTION WITH ANY COOPERATIVE ACTIVITY MAY BE PATENTED." MOROZOV BELIEVES THAT WORDING SHOULD INCLUDE STATEMENT TO EFFECT THAT ANY PATENTS TAKEN OUT FOR JOINT INVENTIONS MUST BE BY MUTUAL AGREEMENT. ALSO, PROVISION MUST BE MADE FOR PROTECTION OF RIGHT OF EITHER PARTY TO REQUEST NON-DISCLOSURE TO THIRD COUNTRIES (SECRET PATENTS). FURTHER, HE POINTS OUT, ONE PARTY MAY NOT BE INTERESTED IN TAKING OUT INTERNAL PATENT. IN SUCH CASE, IF OTHER PARTY DOES TAKE OUT PATENT, WORDING MUST BE INCLUDED THAT BINDS THAT PARTY TO BEAR COST OF PATENTING IN OWN COUNTRY, WITH PROVISION OF POSSIBLE SHARING OF ROYALTIES WITH OTHER PARTY.

8. ARTEM'YEV NOTED THAT HIS DELEGATION WILL NOT BE AUTHORIZED TO DISCUSS SECTION III OF U.S. DRAFT (ON COPYRIGHTS), BECAUSE THIS IS BAILIWICK OF THE NEW ALL-UNION AGENCY ON RIGHTS OF AUTHORS. IT IS NOT POSSIBLE TO INCLUDE REPRESENTATIVE OF THIS AGENCY ON HIS DELEGATION, BECAUSE AGENCY WAS JUST CREATED AND IS IN PROCESS OF ORGANIZATION.

CONFIDENTIAL

PAGE 03 MOSCOW 11793 02 OF 02 271323Z

DUBS

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